

Claim Rejections Under 35 U.S.C. §102

Claims 1-6, 9-11, 15, 19, 20, 21, 25 and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,355,302 to Martin et al.

Martin et al. discloses a computer jukebox system having a plurality of local jukeboxes each of which store audio data in a data storage unit 93 (col. 5, line 8-25) resident in the local jukebox. A user is able to access the music stored in the data storage unit 93 through selections made at keyboard 123 to thereby initiate playing of the data audio at the local jukebox. The user, however is not able to acquire, *i. e.* gain possession, of the media in a tangible format at the local jukebox.

With respect to claim 1, the present invention is distinct from Martin et al. in two key aspects. First, the system of the present invention provides for the storing of a plurality of acquisition media at each of its in-room systems each of the acquisition media having stored thereon, at least one of audio and video data. The acquisition media may include, for example, CDs, DATs, cassettes, and may be physically acquired by the user via the in-room system media dispenser (see page 1, lines 12-17). Second, the system of the present invention, stores access-only, *i. e.* listen-only, media at the head-end system, not at each of the in-room systems. The access-only media comprises at least one of audio and video data indential to that stored on the acquisition media. Accordingly, while the access-only media stores some of the same data as the acquisition-only media and is heard at an in-room system, it is physically played at the head-end system and transmitted to the in-room system.

With respect to claim 21, the present invention is distinct from Martin et al. in that the access-only media is played by the head-end system (not at the in-room system) and is either audibly and/or visually presented at the in-room system. Furthermore, the system of Martin et al. downloads, via an RF link, audio data to each of the jukeboxes. Martin et al. does not teach or suggest the combination of the transmission of various data from a head-end system, at unique frequencies, and turning to a frequency at an in-room system such that the access-only media is played by the head-end system and is at least one of audibly and visually presented at the in-room system.

In view of the foregoing, Applicant submits that Martin et al. fails to teach the invention claimed in independent claims 1 and 21. Accordingly, Applicant requests that the rejections

under 35 U.S.C. §102, with respect to independent claims 1 and 21, and their respective dependent claims, be reconsidered.

Claim Rejections Under 35 U.S.C. §103

Claims 1 and 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Martin et al. in view of U.S. Patent No. 5,734,719 to Tsevdos et al.

Tsevdos et al. discloses a multi-media content distribution network serving a plurality of content servers arranged in a pyramid fashion (see FIG. 3). Each server stores all (top level server) or a portion (intermediate level server, end site servers) of the content. Content is previewed by a user at a customer premise (CP) 308 that is networked with one of the end site servers. The system further includes a manufacturing facility, remote from the CP, where customer selected content may be recorded onto a CD, cassette, etc. for purchase by the user.

The present invention is distinct from Tsevdos et al. in that it provides for the storing of a plurality of acquisition media at each of the in-room systems, as apposed to a remote manufacturing facility. Furthermore, the acquisition media provided by the present system contains prerecorded content that may be previewed at the in-room system while the Tsevdos et al. system provides for the preview of content prior to it being recorded onto a tangible media.

With respect to independent claim 1, neither Martin et al. (for reasons previously stated) nor Tsevdos et al., either alone or in combination, teach or suggest the method of providing media to a plurality of in-room systems from a head-end system remote from the plurality of in-room systems, as now recited.

Claims 1, 12-14, 16, 18, 21, 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of U.S. Patent No. 5,339,250 to Durbin.

Durbin discloses a hotel vending network that includes a central control unit and a plurality of vending units, one in each hotel room. Vending items may only be acquired at the vending units. Durbin is not concerned with audio or video media and accordingly does not teach or suggest storing access-only media at the central control unit.

With respect to independent claim 1, neither Martin et al. (for reasons previously stated) nor Durbin, either alone or in combination, teach or suggest the method of providing media to a plurality of in-room systems from a head-end system remote from the plurality of in-room

systems, as now recited in claim 1. Nor does the combination of Martin et al. and Durbin teach or suggest the method of providing access-only media to a plurality of in-room systems from a head-end systems remote from the plurality of in-room systems and tracking the access to the access-only media, as recited in claim 24.

Claim 27 was rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Martin et al.

With respect to claim 27, the present invention is distinct from Martin et al. in that the access-only media is played by the head-end system (not at the in-room system) and is either audibly and/or visually presented at the in-room system. Furthermore, the system of Martin et al. downloads, via an RF link, audio data to each of the jukeboxes. Martin et al. does not teach or suggest the combination of the transmission of various data from a head-end system, at unique frequencies, and turning to a frequency at an in-room system such that the access-only media is played by the head-end system and is at least one of audibly and visually presented at the in-room system.

Once Applicant has taught his innovative method of providing media, such method and apparatus may, by hindsight, seem to be obvious to one having ordinary skill in the art. However, when viewed as of the time Applicant's invention was made, and without the benefit of Applicant's own disclosure, there is nothing in the art of record which realistically suggests Applicant's inventive approach.

In view of the foregoing analysis of independent claims 1, 21 and 27 in view of Martin et al., Tsevdos et al. and Durbin, Applicant requests that the rejections of claims; and their respective dependent claims, under 35 U.S.C. §103 be reconsidered.

Allowable Subject Matter

Claims 17 and 23 were objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

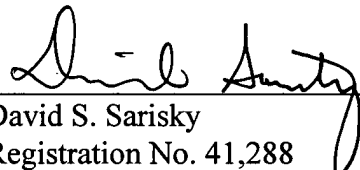
New claim 28 includes the recitation of claims 1, 16 and 17 while new claim 29 includes the recitation of claims 21, 22 and 23. It is believed that these claims relate allowable subject matter.

CONCLUSION

Applicant has made an earnest and bona fide effort, to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is believed obvious that, within the scope of the disclosures of the cited references, no teaching or suggestion of Applicant's invention is to be found without extensive modification and the exercise of inventive talent. Therefore, reconsideration and allowance of all of Applicant's claims are believed to be in order, and an early Notice of Allowance to this effect is earnestly solicited.

Respectfully submitted,

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